

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

May 9, 2025

1:27 p.m.

**MEMBERS PRESENT**

Representative Andrew Gray, Chair  
Representative Chuck Kopp, Vice Chair  
Representative Ted Eischeid  
Representative Genevieve Mina  
Representative Sarah Vance  
Representative Mia Costello  
Representative Jubilee Underwood

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

PRESENTATION(S): LEGAL IMPLICATIONS OF PROSECUTING AMERICAN NATIONALS IN ALASKA'S ELECTIONS

- HEARD

HOUSE JOINT RESOLUTION NO. 10

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund and to appropriations from the Alaska permanent fund.

- MOVED HJR 10 OUT OF COMMITTEE

HOUSE BILL NO. 198

"An Act relating to the obstruction or hindrance of lawful trapping of game; and providing for an effective date."

- BILL HEARING CANCELED

**PREVIOUS COMMITTEE ACTION**

BILL: HJR 10

SHORT TITLE: CONST AM: PERMANENT FUND; POMV; EARNINGS

SPONSOR(S): REPRESENTATIVE(S) SCHRAGE

02/21/25 (H) READ THE FIRST TIME - REFERRALS  
02/21/25 (H) STA, JUD, FIN

03/20/25 (H) STA AT 3:15 PM GRUENBERG 120  
03/20/25 (H) -- MEETING CANCELED --  
04/24/25 (H) STA AT 3:15 PM GRUENBERG 120  
04/24/25 (H) Heard & Held  
04/24/25 (H) MINUTE(STA)  
04/29/25 (H) STA AT 3:15 PM GRUENBERG 120  
04/29/25 (H) Heard & Held  
04/29/25 (H) MINUTE(STA)  
05/01/25 (H) STA AT 3:15 PM GRUENBERG 120  
05/01/25 (H) Moved HJR 10 Out of Committee  
05/01/25 (H) MINUTE(STA)  
05/02/25 (H) STA RPT 4DP 3DNP  
05/02/25 (H) DP: HOLLAND, HIMSCHOOT, STORY, CARRICK  
05/02/25 (H) DNP: VANCE, MCCABE, MOORE  
05/05/25 (H) JUD AT 1:00 PM GRUENBERG 120  
05/05/25 (H) Heard & Held  
05/05/25 (H) MINUTE(JUD)  
05/09/25 (H) JUD AT 1:00 PM GRUENBERG 120  
05/09/25 (H) FIN AT 1:30 PM ADAMS 519

**WITNESS REGISTER**

CHARLES ALA'ILIMA, Board Member  
Right to Democracy  
Anchorage, Alaska

**POSITION STATEMENT:** Co-offered the Legal Implications of Prosecuting American Nationals in Alaska's Elections presentation.

TAFILISAUNOA TOLEAFOA, Executive Director  
Pacific Community of Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the Legal Implications of Prosecuting American Nationals in Alaska's Elections presentation.

KATHLEEN WALLACE, Director  
Division of Motor Vehicles  
Department of Administration  
City & State

**POSITION STATEMENT:** Answered questions during the Legal Implications of Prosecuting American Nationals in Alaska's Elections presentation.

CAROL BEECHER, Director  
Division of Elections  
Office of the Lieutenant Governor

Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the Legal Implications of Prosecuting American Nationals in Alaska's Elections presentation.

JOHN SKIDMORE, Assistant Attorney General  
Criminal Division  
Department of Law  
City & State

**POSITION STATEMENT:** Answered questions during the Legal Implications of Prosecuting American Nationals in Alaska's Elections presentation.

REPRESENTATIVE CALVIN SCHRAGE  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Gave introductory remarks on HJR 10, as the prime sponsor.

DEVEN MITCHELL, Executive Director  
Alaska Permanent Fund Corporation  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions on Amendment 2 during the hearing on HJR 10.

**ACTION NARRATIVE**

[1:27:40 PM](#)

**CHAIR ANDREW GRAY** called the House Judiciary Standing Committee meeting to order at 1:27 p.m. Representatives Underwood, Mina, Vance, and Gray were present at the call to order. Representatives Costello, Eischeid, and Kopp arrived as the meeting was in progress. Also presented was Representative Holland.

**PRESENTATION(S): Legal Implications of Prosecuting American Nationals in Alaska's Elections**

[1:28:38 PM](#)

CHAIR GRAY announced that the first order of business would be the Legal Implications of Prosecuting American Nationals in Alaska's Elections presentation.

CHAIR GRAY gave the following prepared remarks [included in the committee packet], which read as follows [original punctuation provided]:

The Judiciary Committee is holding this hearing to examine the legal and constitutional issues surrounding the recent voter misconduct charges brought against ten American Samoan residents of Whittier, Alaska. These prosecutions raise many questions about the intersection of federal citizenship, voter eligibility, and the rights of U.S. nationals.

And before we start, I need to mention that this issue is extremely personal for me as the Representative of House District 20, the U-Med district in Anchorage. In August of 2024, my constituent Easter Leafa, a Samoa was shot and killed by the Anchorage Police Department in her home in my district in front of her family. That heartbreaking case is hopefully changing the way APFD uses deadly force, but the effect is that it has shone a light on the struggles of the Samoan community in Alaska. The way American Samoans are treated in our state is very important to me and very important to the U-Med district in particular.

Our goal today is not to interfere with any individual legal case, but to understand how our current laws, systems, and practices affect people who were born in America Samoa - individuals who live under the U.S. flag, carry a U.S. passport, and owe permanent allegiance to the United States, yet are not considered U.S. citizens by birth.

We are seeking answers to three key questions:

1. How do state agencies like the Division of Elections and the DMV currently handle voter registration for U.S. nationals?
2. What legal obligations and rights do American Samoans have under both state and federal law?
3. And how can we, as a legislative body, ensure that Alaska's electric laws are applied fairly, clearly, and without unintended harm?

[1:32:00 PM](#)

CHARLES ALA'ILIMA, Board Member, Right to Democracy, gave historical context to American Samoa and its deeded sovereignty to the U.S. Referencing a document, titled "Right to Democracy" [included in the committee packet], he explained that the federal government labeled individuals born in American Samoa as "nationals," but not citizens of the United States. As so-called "non-citizen U.S. nationals," these individuals owe permanent allegiance to the United States and have the full obligations of citizenship; however, they cannot vote in federal elections or hold federal office. He explained that if a child is born in American Samoa with a parent who is recognized as a U.S. citizen by the federal government, that child is also a U.S. citizen. The U.S. "national" status includes anyone born in the U.S. and is subdivided into two categories: U.S. national/citizen and U.S. national/noncitizen. All persons born in the other four U.S. territories are recognized as U.S. national/citizen by birth, but those born in American Samoa remain outside the definition for purposes of defining birthright citizenship. This has created confusion over American Samoans' status. He elaborated on this confusion, the Fourteenth Amendment, and the Right to Democracy's effort on securing citizenship recognition.

[1:49:42 PM](#)

MR. ALA'ILIMA, in response to committee questions regard, said Alaska has the authority to define state citizenship and encouraged the legislature to look into whether citizenship could be amended by statute as opposed to constitutional amendment.

CHAIR GRAY shared his understanding that the Constitution of the State of Alaska ("Alaska Constitution"), Section 5.1, would require a constitutional amendment to extend citizenship to nationals.

[1:53:15 PM](#)

TAFILISAUNOA TOLEAFOA, Executive Director, Pacific Community of Alaska, stated that the Pacific Community of Alaska had been in discussion with Senator Murkowski about eliminating the fee associated with naturalization for American Samoans.

[1:55:17 PM](#)

KATHLEEN WALLACE, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), described the voter

registration process, which includes U.S. citizenship questions that the applicant must attest to. In response to a series of committee questions, she said "American national" has been an option on that form since 2022. She confirmed that there is some confusion on the status of American Samoans, as the meaning of U.S. national is difficult to define because they are eligible for certain rights and not others. When filling out the voter registration form, she said DMV's expectation is for American Samoans to know that they are ineligible to vote. She said there is a training department that's specifically set up for identifying immigration documentation from all over the world, and there is also a robust "cheat sheet" that indicates whether a person is eligible for certain privileges in the U.S. DMV verifies citizenship, she said, but at the end of the day, DMV credentials are offered based on the physical documents presented. She confirmed that DMV staff is taught that U.S. nationals are not eligible for voter registration; however, human error is possible, which is why DOE should verify the information.

[2:10:06 PM](#)

MS. TOLEAFOA, in response to a series of committee questions, answered yes, it's possible for American Samoans to grow up in Alaska not knowing that they are U.S. citizens or the definition of a U.S. national.

[2:12:15 PM](#)

CAROL BEECHER, Director, Division of Elections (DOE), Office of the Lieutenant Governor, described the elements of the voter registration form. In response to committee questions, she explained that Alaska law requires only a sworn statement as proof of citizenship for voter registration. If an applicant signs the affidavit swearing to U.S. citizenship, the division takes that as an affirmative response. If a noncitizen were to register to vote, the individual would be given the chance to verify their citizenship or ask to be removed from the voter registration list. She explained that election staff are trained to tell people that only U.S. citizens are allowed to vote, and anyone who is registered to vote is on the voter registration list at the polls. She clarified that the voter registration application does not have a designation for U.S. nationals, only U.S. citizenship. The DOE website provides U.S. citizenship requirements and emphasizes that noncitizen U.S. nationals are not eligible. She said poll workers use the registrar list of registered voters on election day and are not

trained on identifying American, noncitizen voters. If an individual was not on the registrar, that person would vote a question ballot, which contains an "oath" of citizenship.

[2:27:01 PM](#)

JOHN SKIDMORE, Assistant Attorney General, Criminal Division, Department of Law (DOL), described voter misconduct in the first degree, per AS 15.56.040, which requires someone to intentionally make a false affidavit or falsely affirm under oath. This means that making a false statement when registering to vote is voter misconduct, but the act of voting is not a crime even if the individual is ineligible. In response to questions from committee members, he said federal law is clear that American Samoa and the Swains Islands are the only U.S. territories where U.S. citizenship is not provided to the people born there.

[2:31:34 PM](#)

MS. BEECHER, in response to committee questions, stated that DOE had not been in discussions about adding "American Samoan" as a clarifying box on the voter registration forms at this time.

[2:38:25 PM](#)

MR. SKIDMORE, in response to committee questions, reiterated that the crime of voter misconduct involves the voter registration process, not the voting itself. Further, if the individual believes that they are an American citizen and the form is filled out incorrectly, a crime has not been committed because the actus reus requires knowing or intentionality. He pointed out that many American Samoans are U.S. citizens because their one or both parents were U.S. citizens, or they became U.S. citizens through the naturalization process. He advocated for further discussion on this matter so as to avoid voter disenfranchisement. The ultimate determination for voter eligibility is U.S. citizenship, not being born in American Samoa. He reiterated that DOL would not charge a case without evidence of intentional or knowing conduct. He reported that DOL has charged 15 or 16 cases of voter misconduct in the last 10 years. He said there's no required educational component when DOL charges these individuals and suggested that this would largely be done during the investigation when law enforcement officers speak with them. He supposed that most law enforcement officers are not officially trained on this matter.

[2:45:11 PM](#)

MS. TOLEAFOA, in response to a question about voter education efforts, said in 2024, Ms. Beecher gave the Pacific Community of Alaska the first straightforward answer in writing about voter eligibility for U.S. Nationals. The organization had attempted to gain clarity in 2021 without success.

[2:49:40 PM](#)

MR. SKIDMORE, in response to a question about the "raid" in Whittier, said it would be unethical to share factual details about the case. He contended that the term "raid" is not an appropriate characterization of the incident. Citing the charging documents, he clarified that summons were issued for all 10 defendants, but there were no arrest warrants. Charging documents indicate that in response to a citizen complaint, a "few number" of Alaska State Troopers merely "asked people some questions" and then left; 10 charges were subsequently filed. In response to a series of follow up questions, he said the necessary number of officers and resources for questioning a large number of people would be determined by the troopers. The charges involved in the case are class A misdemeanors, as well as class C and B felonies. He said the Alaska Bureau of Investigation (ABI) is involved because the trooper who handles election fraud is part of that unit. He declined to comment on whether the federal government is involved in the investigation.

**HJR 10-CONST AM: PERMANENT FUND; POMV; EARNINGS**

[2:59:50 PM](#)

CHAIR GRAY announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 10, Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund and to appropriations from the Alaska permanent fund.

[3:00:11 PM](#)

The committee took an at-ease from 3:00 p.m. to 3:02 p.m.

[3:02:13 PM](#)

REPRESENTATIVE CALVIN SCHRAGE, Alaska State Legislature, ss prime sponsor, reminded the committee that HJR 10 proposes a constitutional amendment that would combine the Alaska Permanent

Fund ("the fund") into a single account structure with a maximum 5 percent draw based on a 5-year average of the 6 preceding years.

[3:03:04 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 1 to HJR 10, labeled 34-LS0648\A.3, Nauman/Wallace, 5/5/25, which read:

Page 1, line 5:  
Delete "twenty-five"  
Insert "**fifty** [TWENTY-FIVE]"

CHAIR GRAY objected.

[3:03:12 PM](#)

REPRESENTATIVE VANCE explained that Amendment 1 would strengthen the state's long-term fiscal stability by ensuring that 50 percent of all mineral related revenues are constitutionally deposited into the fund. Currently, only 25 percent of these revenue are constitutionally protected, and an additional 25 percent is directed by statute, but the amount is subject to legislative appropriation. She said Amendment 1 would elevate this statutory practice to a constitutional mandate to remove these funds from political discretion and protecting them for future generations.

CHAIR GRAY said he wished the proposed amendment had been passed 40 years ago, but not today in the state's current fiscal climate.

[3:05:42 PM](#)

REPRESENTATIVE KOPP said Amendment 1 would result an immediate and significant decrease in general fund (GF) revenue in a rapidly declining oil price environment. He added that Amendment 1 would make paying dividends and services orders of magnitude more difficult.

[3:06:37 PM](#)

REPRESENTATIVE SCHRAGE agreed with the previous comments that in a different fiscal environment he could be persuaded to support such an amendment. He recalled the previous committee discussion on the need for flexibility to meet current day obligations and stated his opposition to Amendment 1.

CHAIR GRAY maintained his objection.

[3:07:36 PM](#)

REPRESENTATIVE VANCE said she's open to including some transition time and asked the committee, "If not now, when?"

A roll call vote was taken. Representatives Underwood and Vance voted in favor of Amendment 1. Representatives Mina, Eischeid, Kopp, and Gray voted against it. Therefore, Amendment 1 failed by a vote of 2-4.

[3:10:04 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 2 to HJR 10, labeled 34-LS0648\A.4, Nauman/Wallace, 5/5/25, which read:

Page 2, lines 2 - 5:

Delete "Each fiscal year, the legislature may also appropriate from the permanent fund an amount to pay costs associated with investments made under (a) of this section, including operating expenditures associated with managing the fund."

CHAIR GRAY objected.

[3:10:10 PM](#)

REPRESENTATIVE VANCE explained that Amendment 2 would remove a provision in HJR 10 that would authorize [withdrawals] from the fund to pay for investment and operating expenses of the Alaska Permanent Fund Corporation (APFC). She shared her belief that the Constitution of the State of Alaska ("the Alaska Constitution") should not carveout an area that quietly spends from the fund beyond the structured percent of market value (POMV) draw. The additional language would undermine the POMV limit by permitting ongoing [withdrawals] for internal costs outside of the cap. She reported that current operating costs total \$240 million annually, which if Amendment 2 were to pass, would be funded statutorily by GF obligations or the POMV draw. She said Amendment 2 would provide intentional oversight into how money is being spent from the fund, force a conversation, and fold these costs into the cap.

CHAIR GRAY asked APFC to comment on the proposed amendment.

[3:13:33 PM](#)

DEVEN MITCHELL, Executive Director, Alaska Permanent Fund Corporation (APFC), said in terms of practicality, Amendment 2 would reduce the draw rate and shared an example. He said he would prefer that APFC's budget be maintained in its current status where its netted out prior to transfers being made to the state, which is more in line with the practices of other trusts and those entities that manage them.

[3:17:22 PM](#)

REPRESENTATIVE KOPP reminded the committee that investment managers are compensated for excellent performance. He said there is no binding language in this provision, and that it simply provides legal authority for APFC to request costs associated with investment. If amendment 2 were to pass, he suggested that the legislature could never say, "yes," to these requests.

[3:19:16 PM](#)

REPRESENTATIVE VANCE clarified that this is an additional draw on top of the POMV transfer to pay for costs associated with investment operations, which is close to \$250,000 from the corpus of the fund. Without Amendment 2, she explained these costs would essentially be exempted. She said her goal is to maintain ultimate legislative authority while protecting the fund.

[3:23:10 PM](#)

A roll call vote was taken. Representatives Underwood and Vance voted in favor of Amendment 2. Representatives Kopp, Mina, Eischeid, and Gray voted against it. Therefore, Amendment 2 failed by a vote of 2-4.

REPRESENTATIVE SCHRAGE emphasized the importance of the fund and the threats that face it. He expressed his appreciation to the committee.

[3:24:49 PM](#)

REPRESENTATIVE KOPP thanked Representative Vance for the spirit of Amendment 2, noting that the costs associated with investments are already paid from the fund's earnings. He said HJR 10 would protect the ability to pay future dividends and

state expenses and reflects 20 years of APFC's requests to make such a change to protect the fund.

[3:26:08 PM](#)

REPRESENTATIVE EISCHEID shared his belief that HJR 10 would protect future dividends.

[3:26:47 PM](#)

REPRESENTATIVE VANCE clarified that HJR 10 would not constitutionalize a dividend; it would simply protect the fund, which the legislative majority has expressed a desire to grow for state services. Until other pieces of the fiscal plan are put forth, she said she could not support the constitutional amendment.

[3:28:57 PM](#)

REPRESENTATIVE KOPP moved to report HJR 10 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 10 was reported out of the House Judiciary Standing Committee.

CHAIR GRAY authorized Legislative Legal Services to make any necessary technical or conforming changes.

[3:30:05 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:30 p.m.